

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
)	
v.)	CRIMINAL NO. 05-30042-MLW
)	
)	
RICARDO DIAZ,)	
and)	
CESAR CRUZ,)	
Defendants.)	

MOTION FOR AN ORDER OF EXCLUDABLE DELAY

The United States of America, by Michael J. Sullivan, United States Attorney for the District of Massachusetts, Attorney Joseph Franco (counsel for Cesar Cruz), and Attorney Terry Nagel (Counsel for Ricardo Diaz) respectfully move for an order of excludable delay under the Speedy Trial Act, 18 U.S.C. §3161(h) from February 24, 2006, through March 14, 2006 in the interests of justice and for reasons of continuity of counsel. See 18 U.S.C. §3161(h)(8)(B)(iv). This delay was caused by the competing schedules of each respective party.

It is in the best interests of the Defendant, the Government, and the public, to exclude the time from February 24, 2006 through March 14, 2006 from the period within which the trial of this case must commence under the Speedy Trial Act.

Filed this 26th day of February, 2006.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Paul Hart Smyth

Paul Hart Smyth
Assistant U.S. Attorney

/s/ Joseph Franco
Attorney Joseph Franco
Counsel for Cesar Cruz

/s/ Terry Nagel
Attorney Terry Nagel
Counsel for Ricardo Diaz